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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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In re:

INFINIA CORPORATION AND  
POWERPLAY SOLAR I, LLC,

Debtors.

Jointly Administered under  
Bankruptcy No. 13-30688 WTT  
(Chapter 11)

OBJECTION TO CURE AMOUNTS,  
FUTURE PERFORMANCE, AND  
PROPOSED ASSUMPTION AND  
ASSIGNMENT AND MOTION FOR ORDER  
AUTHORIZING ASSUMPTION AND  
ASSIGNMENT OF EXECUTORY  
CONTRACTS AND UNEXPIRED LEASES

**This document relates to Both Debtors**

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Creditor and Party in Interest, Ally Financial, Inc. fka GMAC, Inc. (“Ally Financial”), pursuant to 11 U.S.C. §365, hereby objects to the Debtors’ proposed cure amounts, future performance, proposed assumption and assignment, and the Debtors’ Motion for an Order Authorizing Assumption and Assignment of Unexpired Leases, contained in its “Motion for Order: (A) Approving Bid Procedures for Sale of Substantially all of Debtors’ Assets; (B)

Authorizing the Sale of Debtors' Assets Free and Clear of Liens, Claims, Encumbrances, and Interest; (C) Waiving the 14-Day Stay Otherwise Applicable under Bankruptcy Rule 6004 and 6006; and (D) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Lease [Dkt. No. 10] (the "Motion").

As bases for this objection, Ally Financial states as follows:

1. On or about February 27, 2013, Debtor, Infinia Corporation ("Infinia" or "Debtor"), entered into three separate lease agreements (collectively, the "Leases") for the lease of three 2013 Buick Verano vehicles (collectively, the "Vehicles"). The dealer(s) for each of the vehicles thereafter assigned all three Leases and sold the Vehicles to Ally Financial. The relevant information about each Vehicle and Lease is as follows:

<b>VIN Number</b>	<b>Account Number</b>	<b>Monthly Payment Under Lease</b>
1G4PP5SK4D4134039	0249192080879	\$122.72
1G4PP5SK6D4131336	024920076261	\$117.92
1G4PP5SK4D4228874	611919407622	\$104.00

2. Each Lease requires the Debtor to obtain insurance on the Vehicles and to provide verification of such insurance. Upon information and belief, the Debtor has not provided Ally Financial with such verification of insurance. Lack of insurance precludes the Debtor from demonstrating adequate assurance of future performance under the Leases.

3. The Creditor has filed Proofs of Claim relating to each of the Leases.

4. As of October 28, 2013, the arrearages owing under the Leases are as follows:

<b>Account Number</b>	<b>Arrearage Under Lease</b>
0249192080879	\$141.11
024920076261	\$134.75
611919407622	\$0

5. The actual arrearage amounts differ slightly from the cure amounts set forth in the Notice of the Motion. Those amounts must therefore be corrected before the Leases may be cured.

6. Debtors indicate in the Motion that they will subsequently introduce evidence of the purported ability of the proposed assignee to perform under the executory contracts at issue in the Motion. In the meantime, Ally Financial has not seen such evidence and has no information upon which to determine whether the Debtor or the proposed assignee can, in fact, provide adequate assurances of future performance under the Leases. As such, since the Debtor has presented no evidence of the adequacy of future performance, Ally Financial objects to the Motion and the assumption and assignment of the Leases.

WHEREFORE, Ally Financial requests that the Court deny the Motion, as to Ally Financial and the three Leases. Ally Financial reserves the right to modify or amend this Objection, as necessary.

DATED this 28<sup>th</sup> day of October, 2013.

SNOW, CHRISTENSEN & MARTINEAU

By /s/ David L. Pinkston  
Kim R. Wilson  
David L. Pinkston  
P. Matthew Cox  
Attorneys for Ally Financial, Inc. fka  
GMAC, Inc.

CERTIFICATE OF SERVICE

I, David L. Pinkston, attorney for Ally Financial, Inc. fka GMAC, Inc., hereby certify that on the 28<sup>th</sup> day of October, 2013, I caused to be served a true and correct copy of the foregoing **OBJECTION TO CURE AMOUNTS, FUTURE PERFORMANCE, AND PROPOSED ASSUMPTION AND ASSIGNMENT AND MOTION FOR ORDER AUTHORIZING ASSUMPTION AND ASSIGNMENT OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES**, Case No. 13-30688 WTT, which was filed electronically, and served upon the following parties in the manner indicated:

U.S. Trustee (via ECF)  
405 South Main Street, Suite 300  
Salt Lake City, UT 84111

Victor P. Copeland (via ECF)  
111 East Broadway, Suite 1100  
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John T. Morgan  
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(via ECF)

/s/ David L. Pinkston

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